G.R.S. IX—5]

Previous references

Ext. mme 60-23 &c, 1

923
ml

Ie No. 60-23

Serial Nos. 32, 41
42, 58 & 59

Later references

mle 139-28 & 85 1-3
v '30

Presented

GENERAL AND REVENUE SECRETARIAT.

Serial Nos

Part B for December

SUBJECT

Election of Mr Ganachar as President of the Bangalore Cantt Municipality

5-8 To, The Comptroller, Mysore Gazette
No L 4622/L 17-12-23

Notification that the Govt of H.H. the Maharaja are pleased to approve of the election of Mr B K Ganachar as President of the Cantt Municipal Council Bangalore

The Municipal Commr, Cantt as President, Cantt mle. ec
Nos L 4624/L 17-12-23
forwards Copy

JS
7-4-24

A1614

the above for info

R s III-2j

CB-624.

General and Revenue Secretariat.

File No. 60 of 1923

General No.

The following resolution of the Council at the meeting held on the 3rd instant, has been approved by His Highness, and the matter is under circulation to the Members.-

"The Commissioner's scheme may be introduced in the Bangalore City Municipality with effect from the 1st December 1923.--The Municipal Council may be asked to proceed with the election of a President. Immediate action has therefore to be taken for the election of a President by the Bangalore City Municipal Council, in time for Government to hear and dispose of objections and sanction the appointment as from the 1st December. As there is barely enough of time, it is suggested that the order may be issued during the course of to-day.

Forwarded with compliments to the Secretary to Government, Local & Legislative Department.

13/10/23

Issue orders

13/10/23

Draft go in duplicate

13/10/23 Secretary

Issue

13/10/23

NOTE—Contd. sheet

G R. S. III-21

General and Revenue Secretariat

427

File No. 60 of 1923

Serial No 32

OFFICE

OCT 16 1923

No. 250

To ~~the President~~ City Mcl Bldg
~~X~~ Comptroller
" Rec. Comr
" Asst Onanda Rao Sahib
" Comptroller Mcg

No R 2712-B7 13 10 23

States that the term of office Mcl President is limited to end of Nov. 1923, that the MCC might elect their next President & that the results of the election may be submitted within on or before 10th Nov 23

Orders were issued as suggested by the Chief Secretary.

& Submitted for perusal

Sd 16/10

Sd 16/10

Sd 16/10

Sd 18/10/23

NOTE—Clerks sheet

2678

3

G R S III 2]

General and Revenue Secretariat.

M File No 60 of 1928

Serial No.	
42	Letter No. 788/6. M 23 from the President, City Municipal Council, Bangalore Reports that Mr B.K Gowdachar has been declared duly elected as President of the Municipal Council. 13 28 Municipal Councillors were present at the meeting, and Mr B K. Gowda Char secured 22 votes, and Mr Venkatavadana Rao only one vote. ~~He~~ So Mr Gowdachar having secured the required No of votes has been ~~duly~~ declared duly elected 14 Seven days' time has to be allowed for filing objections on the validity of this election as required under Rule 12 of the Election Rules Submitted for Orders M H.K W 6 29 (The necessary draft will be put up after the expiry of seven days from today, if no objections are received in the meantime. C&R 10.11.28 L & L Secretary 3489/12/11 16 Put up 17 Yes 14th 12/11 8 A 12/11 CSR 12.11 8A 12/11 CSR 13.11

NOTE—Contn. sheet.

G R S III 2]

2+

General and Revenue Secretariat | Rl File No 60 of 19 23.

Serial No

Petition dy 15.11.23 from Messrs P R Basavaiya C. Narayanaswamy Rao and 3 other rural Councillors of the Bangalore city rural Circle represent that the application of the Amended Rules to the Election held on the 6th inst was absolutely irregular and illegal and subversive of the substantive rights of the Councillors and that, as such the result of meeting to which they were treated applicable ought not to be given effect to and request that a fresh election may be called for under the amended Rules.

18 Seven days' time will be over by to-day and the above petition objecting the validity of the election held on the 6th inst was received by the Registrar yesterday at 5.30 P.M.

Submitted for orders with reference to paras 15 and 17 supra.

Sd H.I.K

17.11.23

18

19 The petition is not stamped. It seems to fall under clause (c) of Schedule II of the Court Fees Regulation

NOTE—Contn sheet

G R. S III 2]

General and Revenue Secretariat

File No 60 of 19[illegible].

5

Serial No

2. Under rule (?) the Govt may appoint a Committee to enquire into the validity of the objections

K & L Secretary

C.B. 19.4.23

2/ Main objections taken to the election of the President are as follows -

I. That a notice of meeting was issued under the old rule and that the new rule was enforced at the meeting thus called, for electing the President Hence the new rule was given retrospective effect The rule being a part of statute, ought not to be give retrospective effect

II. The application of the new rules is irregular and subversive of the substantive right of th Councillors The result of the meeting to which - they are applied, should not be given effect to

III New rules are inconsistent Rule VII -- ought to have been suitably amended

IV President acted illegally in ruling out - the motion for adjournment on the ground that new - rules have no applfcation to the meeting then held

V New rules were not promulgated in ~~time~~ advance and as such not binding on the meeting (vide section 9 of the Republic) Time new rules were promulgated man Councillors would have stood for election as candidates and would have succeeded

22 As regards the first objection, it is diffi

NOTE—Contn sheet

Serial No.

to understand how the new rule was given a retrospective effect. In fact the new rules were given effect from the time of their promulgation. Regarding the second objection which is their main contention, it is to be observed that the petitioners do not say how the application of the new rules had the effect of subversion of their substantive right

23 The petitioners seem to misapprehend the situation

24 In exercise of the powers vested in Government under Section 23, (2) c, of the Mysore Municipal Regulation, the Government have directed the Municipal Council to elect a President from among its members Hence each Councillor has been given a right to stand for election This right may be called a substantive right granted by the statute The Government prescribed rules for the election of the President These rules lay down the procedure regulating the conduct of Councillors in electing their President

25 By conforming to these rules, the substantive right to become a President is secured Hence these rules belong to adjective law These are liable to be altered at their discretion by Government, so long as these rules are not inconsistent with the body of the Regulation This position cannot be challenged This would not be the case if the rules belong to

NOTE—Contn sheet

substantive law which can only be changed with the consent of the Legislative Council. These rules are similar in effect to the provisions found in -- Civil Procedure Code or Limitation Act It is a - well established principle of law that "no suitor has a vested interest in the course of procedure or a right to complain, if during his litigation the procedure is changed, provided that no injustice be - done." (See Casta Riga Vs Erlangers (1870) L R -- 3 Ch, D. 62 page 69, Turnbull Vs Farman (1885), L R. 15 Q B D 234 & Nanjiah Vs Nanje Gowda (1922) - 27- Mys Ch R 38 at page 42) Applying this to the facts of the present case, it is clear that the Government who were contemplating to take action ever since the failure of the last election, altered the law of procedure laid down for the election of - the President, just before the election The new - rule is distinctly advantageous and prevents any at- - tempt on the part of party men to defeat the elec- - tion of a competent person No vested right has -- been taken away by this new rule

26 The main complaint is that if the Councillors - had known of the change in the rules, they would - - have also stood for election

27 There was thus no restriction placed by the rule in their way of standing for election On t e

Serial No

other hand this new rule facilitated their election if they had offered themselves as candidates The Councillors ought to have known that the Government have undoubted powers to alter the rules and they -- must have taken the chance Ignorance of law is no excuse. From their own showing the new rules were more favourable than the old ones. What a candidate would have done or would not have pursued a certain course of conduct under a given set of the circumstance is hardly a substantive right It cannot therefore be said that the new rule had the effect of subversive of any substantive right

28 As shown above, no injustice has been done by -- the change in the procedure. There is therefore no force in the second objection

29 As regards the third objection, no doubt rule -- VII is not altered and used the expression absolute - majority of votes, in VII (b) This may be con- --- sistent with the new rule VI which requires a majority of votes of those present

30 As nothing turns on this objection, it need not be pursued further It is not suggested that the -- election was vitiated for this alleged inconsisten.

31 Regarding the fourth objection, the President -- acted in accordance with law He committed no illegality in ruling out of the motion for adjournment

Serial No

32 VI. Regarding the fifth objection, it is no where laid down in the Code that the new rules -- should be published within a fixed period before -- giving effect to them Section 49 referred to by - the petitioners, enacts that the rules and bye-laws shall be kept open for public inspection at the Municipal Office at all reasonable times and printed - copies of rules and ~~regulations~~ bye-laws shall be kept for -- sale. It is surprising that the petitioners should rest their case on this section and urge that the - rules were not binding on them for they were not promulgated in advance

34 No sane person can contend that any Councillor had a vested right in securing two-thirds of the -- votes of the members of Councillors present, under the old rule 6, i.e , two-thirds of three-fourths -- of the members of Council, or in other words no candidate had a vested right in the absolute majority of votes required under the old rule It is this rule that is altered Hence no vested right is taken -- away by the new rule It is well known that the -- Government had in contemplation to alter the rules, owing to certain objectionable features in the last election The Councillors are also well aware of - the circumstance leading to the appointment of an -- official President There was also a representa- -

General and Revenue Secretariat

File No. 6 of 1923

Serial No

tion made to the Dewan by Mr. Gopalaswamy Iyer to alter the rules in last Dasara at an interview granted to him. Hence it cannot be said that the new rules suddenly sprung upon them.

35 For these reasons the objections may perhaps be overruled and the election may be declared valid

Office.
Nov 20 1923
3335
Put up file

Dewan

Dy 21/11

Mr. Subbarao [illegible] else? Has Government [illegible] any.

Please [illegible] & submit

Confdl 4

D. 22/11

Govt. advt. with compliments

Impression of opinion.

Dy 24/11

I have enclosed my opinion in the accompanying sealed cover. Thanks

Govt Pleader

27/11/23.

Please—Contd. sheet

The opinion of the Govt Advocate is herewith submitted and is duly [illegible]

Dy 28/11

G. R. S. III-2,

General and Revenue Secretariat

File No. C 289-1923-4 of 19

Serial No

Income brought to use
[illegible]

Chief Secretary will comment
Sd
3/12

Mr Chandler
and Member
[illegible]
3/12

Mr
Income tax Officer
Bombay and Member
Poona
[illegible]
3/12

Chief Secretary
with Compts
Sd
3/12

Returned in original for [illegible]
[illegible]
3/12

NOTE—Contra sheet.

Extract from the Proceedings of the 676th *Meeting of the Council of His Highness the Maharaja, held at Bangalore on the* 7th December *1923*

12

....

125. **Subject:** (Clause v of the Schedule)

Election of a President to the Bangalore City Municipal Council.

OPINION OF THE COUNCIL.

The election of Mr. Garudachar as President of City Municipal Council, Bangalore, may be approved.

(Sd.) A R Banerji,
Dewan of Mysore

EXTRACT"

Secretary to Government

WD 488—GPH—1 000—1 9 20

Submitted to His Highness

As approved by His Highness, orders were issued sanctioning the introduction of the Commissioner scheme into the Bangalore City Municipality with effect from the 1st December 1923 and directing the Municipal Council to proceed with the election of the President

2 Accordingly, the election was held on the 10th November 1923 under the amended rules relating to the election of Presidents and Vice-Presidents of City Municipal Councils issued with Government Notification No L 3278/LI 70-21-254 dated 6th November 1923 and Mr B K Garudachar who got 22 votes out of 25 was declared duly elected as President This has been submitted for Government approval

3 Five of the Municipal Councillors have submitted a representation to Government that the application of the modified rules dated 6th November 1923 to the election held on 10th idem was irregular and illegal inasmuch as applications for nominations of candidates who wanted to stand for election as President were called for under the old rules Three of these Municipal Councillors also filed a suit in the First Munsiff's Court, Bangalore, for a declaration that the said proceedings of the City Municipal Council, Bangalore were illegal and for a permanent injunction restraining the President from taking all further steps in respect of the said proceedings This suit was dismissed with costs in the First Munsiff's Court and they have now lodged an appeal before the Chief Court from the said decision

4 In his note dated 20th November 1923, the Local and Legislative Secretary has pointed out that the objections urged by the petitioners may be over-ruled and the election may be declared valid

5 The Government Advocate who was consulted in the matter has also expressed the same view

6 The question was considered in Council on 7th December 1923 when the following resolution was recorded -

"The election of Mr Garudachar as President of City Municipal Council, Bangalore, may be approved

The recommendation of the Council may graciously be approved.

Bangalore,
11th December 1923

11 DEC 1923

DKR

Record of Cases submitted for the Order of His Highness the Maharaja

Subject

Election of Mr B K Garudachar as President of City Municipal Council, Bangalore.

Order.

~~KRW~~

12/12/23

17

G R S III-2]

C 218

General and Revenue Secretariat.

File No of 192

Serial No

Election of a President to the Bangalore City Municipal Council

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to the Members of Council for perusal of His Highness orders $\frac{\text{before}}{\text{after}}$ issue of orders (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure)

Chief Secretary to Govt

Through the Secretary to Government, Revenue Legislative Departments

14/12

4611 15-12-23

FIRST MEMBER OF COUNCIL

SECOND MEMBER OF COUNCIL

THIRD MEMBER OF COUNCIL

The Secy to Govt L and L Depts with Compliments

Issue orders 17/12

17/12

Note—Contin sheet.

Memo WD 1285—GPB—500—16 1 23

V5

G R. S III-2,

General and Revenue Secretariat | Ml File No. 60 of 1923

Serial No.

Draft Notfn is put up

KPK
17.12.1923

SB
17.12.23

d/ the Secretary

abpt

Secy

SB

17/12 d/17.12

58 To

The Comptroller Mysore

No L 4622 dt 17.12.23

Notifies election of Mr BK Ganachar as the President for the Bangalore City Municipal

To

Mr BK Ganachar

The Municipal Commissioner Municipal Bangalore City

No L 4623-4 dt 17.12.23

Copy of the above for information

NOTE—Contn. sheet.

Ref File No. 60 of 1923.

No.

case, affecting of an election of Mr B.K. Ganguchay, have issued

also an official petition in view of an endorsement to the petitioner who protested against an election is necessary.

Yh. 19.12.23

19.12.23 [L de Levy]

No case has been

59 Letter No. 101-/23.24 dy 10-12-23 from the Resident, Burdwan, City Council.

Referring to the (Mr B.K. Ganguly) ordered on his duties on the termination of his 20 days.

Submitted for perusal.

24.12.23

24/12/23 [L de Levy]

B

[illegible]

G.R. 8 VI G 34] 20

SUBJECT

Diary No of letter replied to 213

Section ML
File No 60-23
Serial No 2

General and Revenue Secretariat

( )

, the 192

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue 13/10/23

Signed by Hon. B. Nagappa

Read—

Para 5 of PO No L 3642-44 ML 70-21 94 & the 21st Nov 1922 directing the appointment of Mr Ananda Rao Sirsi B A, LL B Dy Comr, Tumkur Dist as President of the City Mal Ct, Bangalore for a period of one year.

2 GO No 3324-26 CB 127 21 Sept 1922 extending the term of Office of Mr Anand Rao Sirsi as President of the said Mal Ct till the end of June 1923

3 Note No L 97 ML 60 ?

Order Thereon No

May this be

i Printed ? Yes
ii treated as a standing order ? CB
iii published in the Gazette, English Part ? CB
iv translated ? No CB
v placed at the disposal of the press ? Yes CB
vi published in the Gazette, Kannada Part ? No CB

of the 5th July 23 appointing Mr Ananda Rao Sesa as President of the said Mil Cl with effect from the 1st July 1923

Order No L 2712-16 D 13/10/23

In modification of the Order read above the Term of Office of Mr Ananda Rao Sesa B.A. LL.B. as President of the Cantonment Board of Bangalore is limited to the end of Dec November 1923

2. Govt are pleased to direct that the President of the Mil Cl in question be elected by the Municipal Council

3. The Election may be arranged to be held as early as practicable and the results of the election reported to Govt not later than the 10th Nov 1923 so that the elected President may enter upon his duties on the 1st Dec 23

Sd/ Illegible Secy to Govt

13/10

13.10.23 L & L Dept.

List of enclosures

Copied by

Examined by

The President Mil Cl Bangalore
" Comptroller
" Revenue
Mr Ananda Rao Sesa B.A LL.B formerly the Cantonment Magistrate, Bangalore

WD 1233—GPB—1 000,00—Al 12-21

No 71. 12169 of 23-24

OFFICE OF THE CITY MUNICIPAL COUNCIL,

Bangalore City, dated 27th OCTOBER 1923.
29

Immediate

2376-5

From

ANANDA RAO SIRSI, ESQ, B A, LL B,
President, Municipal Council,
BANGALORE CITY.

To

B Nagappa, Esq., Bar-at-Law,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Local and Legislative Departments,
BANGALORE.

Sir,

ml 60-23-41

With reference to Government Order No.L.2712-16/Ml.60-23-32 dated 13th October 1923, directing that the Bangalore City --- Municipal Council do elect its own President and that the election may be held as early as practicable and the results of the election reported to Government not later than the 10th November 1923, so that the elected President may enter upon his duties on the 1st December 1923, I have the honor to state that a notice was issued to all the Municipal Councillors on the 15th instant calling for a Special Meeting of the Council on the 10th November 1923 for the election of the President and inviting applications therefor on or before the 26th instant In response to the notice, two Councillors, viz, Messrs B K. Garudachar and C. Hayavadana Rao have been nominated The results of the election will be reported to Government on the 10th November 1923, immediately after the meeting is held.

I have the honor to be,
Sir,
Your most obedient servant,

President.

DEWAN'S OFFICE

D' T.

IMMEDIATE

No. No. 78

OFFICE OF THE CITY MUNICIPAL COUNCIL

Bangalore City, dated 10th November 1923

En 1
& 10th November 1923

From

ANANDA RAO SIRSI, ESQ, B A, LL B,
President, Municipal Council,
BANGALORE CITY

10 11 23 Immediate 10 11 23

15197

2618-1
Rl 60-28-Rl 42

To

The Secretary to the Government of His Highness
the Maharaja of Mysore,
Local and Legislative Departments,
B a n g a l o r e

S i r,

In continuation of this office letter No.71 dated 29th October 1923, I have the honor to state that the Special General Meeting of the City Municipal Council for the election of the President was held this morning. Twenty-eight Councillors as noted in the margin*, were present A copy of the Proceedings of the meeting is herewith submitted for the information and orders of Government It will be seen therefrom that Mr. B K Garudachar has been declared duly elected as President. The election may be approved by Government.

I have the honor to be,
Sir,
Your most obedient servant,

Ananda Rao
.President.

*

1. Ananda Rao Sirsi Esq., B A ,LL.B , (President)
2. B V. Krishna Iyengar Esq , (Vice President)
3. Mr. C V. Narasimha Iyengar B.A.,B L
4. " B. Chinnaswamy Chetty
5. " W.H Hanumanthappa
6. " B.K Garudachar
7. " M Ramachandra Rao, Sindia
8. " Myakala Mallayya
9. " P M. Basappa
10. " G Siddaveerappa
11. " D Adeppa
12. " B V. Ramaswami Chetty B A
13. " T. Muniswamappa
" R Gopalaswami Iyer
" S. Venkatachala Iyengar B A ,B L
" S. Venkatarama Iyer B.A
17 Mr C Hayavadana Rao B A L
18 " H Krishnappa B A
19 " H V Chandrasedharaiya B A L
20 Mr Raghavendra Rao
21 " P Subbarama Chetty
22 " J R Isaac B A ,M B L
23 " P Murugesam Pillai
24 " M Abbas Khan
25 " B.Abdur Rahmon B A
26 " S Venkataranga Iyengar
27 " J L Narasinga Rao
28 " V S Thiruvengadaswami Mudaliar

Proceedings of the Special General Meeting of the City Municipal Council, Bangalore, held on Saturday the 10th November 1923 at 8 A M

P r e s e n t.

1. Ananda Rao Sirsi Esq., B.A., LL.B., (President)
2. B.K. Krishna Iyengar Esq., (Vice President)
3. Mr. C V. Narasimha Iyengar B.A., B.L.
4. " B. Chinnaswamy Chetty
5. " W.H. Hanumanthappa
6. " B.K. Garudachar
7. " M. Ramachandra Rao, Sindia
8. " Myakala Mallayya
9. " P M. Basappa
10. " G. Siddaveerappa
11. " D. Adeppa
12. " B V. Ramaswami Chetty B.A.
13. " T. Muniswamappa
14. " R. Gopalaswami Iyer
15. " S. Venkatachala Iyengar B.A., B L
16. " S. Venkatarama Iyer B.A.
17. " C. Hayavadana Rao B.A., B.L.
18. " H. Krishnappa B.A.
19. " H V. Chandrasedharaiya B.A., LL B
20. " M. Raghavendra Rao
21. " P. Subbarama Chetty
22. " J.R. Isaac B A., M.B.E.,
23. " P Murugesam Pillai
24. " M. Abbaskhan
25. " B. Abdur Rahmon B A.
26. " S. Venkataranga Iyengar
27. " J.E. Narasinga Rao
28. " V S. Tirumangadaswami Mudaliar

A b s e n t.

1. Rao Sahib Mr. H. Chennayia
2. Rev. W H. Thorp

Subject -- Election of the President.

The President read to the Councillors the amended rules relating to the election of Presidents and Vice Presidents of City Municipal Councils issued under Government Notification No L 3278/Ml 70-21-254 dated 6th November 1923 and explained the points of difference between the old rules and the amended rules and said that the election will be conducted under the amended rules

2 Mr. S Venkatachala Iyengar said that as the notice of election issued from the office on the 15th October 1923 was under the old rules, the election must take place under the old rules

3. Mr. Abbas Khan proposed that, as the notice of election issued on the 15th October 1923 was under the old rules and as applications were received under those rules and as some of those rules have since been cancelled,

this meeting be postponed and a fresh election held by inviting applications under the amended rules which were communicated to the Council for the first time today. This was seconded by Mr. J.E. Narasinga Rao.

4. The President ruled that the election should be held under the amended rules and that the election could not be postponed.

5. Mr. C.V. Narasimha Iyengar proposed that communications, if any, addressed to the Government on the subject of the President's election after the promulgation of the amended rules be placed on the table. This was seconded by Mr. B. Abdur Rahmon.

6. The President ruled that as no notice of this proposition had been given, it cannot be accepted

7. Mr. S. Venkatarama Iyer proposed that the meeting be adjourned. This was seconded by Mr H. Krishnappa. The proposition was subsequently withdrawn.

8. There were 28 Councillors present. Voting papers were distributed to 25 Councillors, excluding the 2 candidates viz, Messrs. B.K. Garudachar and C. Hayavadana Rao and the official President. On the counting of the votes, it was found that 22 Councillors voted for Mr. B.K. Garudachar, one for Mr. C. Hayavadana Rao and two returned blank papers. Mr. B.K. Garudachar was then declared duly elected as President.

President,
City Municipal Council,
Bangalore.

T.R C.

15939 2782-7

BANGALORE CITY,
Dated, 15th November 1923

The Secretary to Government of Mysore,
in the Revenue Department, Public Offices,
B A N G A L O R E.

Sir,

With reference to Rules Nos ix and x of Notification No 4696-ML.45-18-3 dated 23rd September 1918, we, the undersigned Councillors of the Bangalore City Municipal Council, beg to prefer our objections to the validity of the Election held at the City Municipal Hall, Bangalore, on Saturday 10th November 1923, for Electing the President of the Council under G.O. No L 2712-16/ ML.68-23-32 dated 13th October 1923

2. That the Election having been commenced, by the Calling for nominations on 15th October 1923, by the President, specifically under the ~~xxx~~ rules issued under the above quoted notification, as modified by Government Notification L 3350-ML.69-12-19 dated 3rd November 1923, should have been conducted by him under those Rules and not under the amended Rules issued under Notification No L 3278 ML 70-21-254 dated 6th November 1923, which were for the first time read at the Election meeting by the President Rules being part of the statute, they can have no retrospective effect

3. That the application of the modified Rules issued under the Notification dated 6th November 1923 was absolutely irregular and illegal, subversive of the substantive rights of the Councillors, and as such the result of the meeting to which they were made - - -

applicable ought not to be given effect to.

4. That the modified rules issued under dated 6th November 1923 do not anywhere state that they are applicable to the Election meeting called for to take place on 10th November last, and as such their application to it by the President was altogether ultra vires and as such renders the election itself null and void.

5. That the modifications issued under dated 6th November 1923 have made the rules then existent--i.e those under Notification No.4696.ML. 46-18-3 dated 23rd September 1918 as modified by Notification No.L.3350-ML.69-12-19 dated 3rd November 1922 under which nominations were invited--altogether meaningless and inconsistent. Thus, while Rule vi is amended in a particular manner, this amended Rule does not read correctly when considered with Rule vii, in which the old Rule vi is referred to. Under the old Rule vi a "decided majority"-i e "two-thirds of the total number of votes of the Councillors present at the meeting"--was necessary and to effect this the process of Elimination by successive ballots etc , is prescribed in Rule vii, where the old Rule vi is specifically referred to But, under the new Rule vi no such "decided majority" is required and the need for further ballots and Eliminations is rendered altogether unnecessary. The last Election, held as it was, under such inconsistent Rules as these, cannot be held to be a regularly conducted one. The Rules themselves being inconsistent with one another, the result of the Election held under them cannot be valid and should therefore be declared null and void

6. That the President acted irregularly and illegally

in ruling out the motion for adjournment moved by one of the Councillors on the specific ground that the new Rules had no application to the meeting then held and that the material part of the old Rules had been superceded by the new Rules.

7. That the new Rules were sprung on the members at the meeting, at the very moment of voting, and as they were not promulgated in advance, they were not binding on the meeting (Vide Section 49 of the Regulation which contemplates wide publication to Rules and Bye-Laws).

8. That if the new Rules had been promulgated in time, many Councillors would have stood, as Candidates and the Election held in pursuance of the Amended Rules requiring a smaller quorum and a mere bare majority, would have ended differently

9 That the issue and application of the new Rules at the last moment to the Election held on Saturday, the 10th November 1923, appeared more as a Mandate and was widely interpreted as such in favour of one of the Candidates to the prejudice of the other, which could never have been intended by Government

10 That in the above circumstances your humble petitioners respectfully urge that the Election of 10th November last was irregularly and illegally conducted and its proceedings were vitiated by material irregularity of a grave nature and should be declared null and void and set aside and a fresh Election called for under the Amended Rules

11. For which act of justice your petitioners shall ever pray.

(1)
(2)
(3) A Venkatachala Iyengar
(4)
(5) Mohammed Abdul Khan

1 P Sr Basappa

2 C Hanumanthama Rao

3 A Venkatachala Iyengar

4 J E Nataraja Rao

5 Mahomed Abdus Khan

Bangalore
29th November 1923

From

1 Mahomed Abbas Khan
2 C. Hayavadana Rao
3. S Venkatachala Iyengar

Municipal Councillors,
Bangalore City -

To

The Secretary to Government of
H H the Maharaja of Mysore,
Local and Legislative Department.
Bangalore

Sir,

We beg to inform you that we had filed a suit in OS No 297 of 1923-24 on the file of the First Munsiff of Bangalore for a declaration that the proceedings of the City Municipal Council, Bangalore, held on 10th November 1923 were illegal null and void, and for a permanent injunction restraining the President from taking all further steps in respect of the said proceedings, that the said suit was dismissed with costs today and that in the course of the day we have lodged

an appeal before the Chief Court
from the said decision

We beg to remain,
Sir,
Your most obedient servants
Mohammed Abdul Khader
Mayor
V. Venkatachala Iyengar
Municipal Councillors

32

G R S VI—G/32]

SUBJECT

Diary No of letter replied to

Section ML
File No 60-23
Serial No 58

General and Revenue Secretariat

the 192

No £4622

Date of issue 17/12/23

Signed by

To Notification

Under rule (1) of the Rules for the Election of Presidents and Vice-Presidents of City Municipal Councils, Govt of H H the Maharaja are pleased to approve of the election of Mr B K Gundachar as President of the City Municipal Council, Bangalore

By order

17/12/23 Secy to Govt
Local & Legislative Depts

GPB-1850-16-8-19-12-1923

To The Compiler, Mysore Gazette for publication.

Memo L46-25

Copy forwarded to
Mr B K Ganguchen for
information

By order

Sd/-
17/12/25 for Secy to Govt
Labour

Memo — L4624 — 17.12.25

Copy forwarded to the
Md Comr, Bangalore Cy Md
Cl, thro' the Collector, for
info with refce to his letter
No 78 & that to the Manager 23 from
the President, Cy Md Cl, Bangalore

By order

Sd/-
17.12.25 for Secy to Govt
Labour

MMK
17/12/25

List of enclosures

Copied by

Examined by

No ...

OFFICE OF THE CITY MUNICIPAL COUNCIL,

Bangalore City, dated 20th December 1923.

From

B K Garuda Char, Esq.,

President, Municipal Council,

BANGALORE CITY

To

B. Nagappa, Esq., Bar-at-Law,

Secretary to Government of His Highness the

Maharaja of Mysore,

Local and Legislative Departments,

Bangalore

S I R,

With reference to Government Notification No L 4622/Ml 60-23-58 dated the 17th December 1923, approving of my election as President of the City Municipal Council, Bangalore, I have the honor to state that I have entered on my duties this day forenoon

I have the honour to be,

Sir,

Your most obedient servant,

President

C.M